

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPIRITU SANTO HOLDINGS, LP,
Petitioner,
-against-
LIBERO PARTNERS, LP,
and
ESPIRITU SANTO TECHNOLOGIES, LLC
Respondents.

Civil Action No. 19-cv-03930

RESPONDENTS' PROPOSED
PRELIMINARY INJUNCTIVE
ORDER

ON THIS ____ DAY OF MAY, 2019, upon the Petition for Injunctive Relief in Aid of Arbitration (the “Petition”), pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure, Section 7502(c) of the New York Civil Practice Law and Rules, and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. §§ 201–208, submitted on May 2, 2019 by Espiritu Santo Holdings, LP (“ES Holdings” or “Petitioner”) against respondents L1bero Partners, LP (“L1bero Partners”), and Espiritu Santo Technologies, LLC (“ES Technologies,” and, together with L1bero Partners, “Respondents”), and after consideration of submissions of Petitioner and Respondents, and the evidence presented at a hearing on May 13, 2019, for the reasons set forth in the Court’s Memorandum Decision and Order Granting In Part and Denying in Part Petitioner ESH’s Motion for Preliminary Injunction in Aid of Arbitration (the “Memorandum Decision”) issued May 14, 2019 [ECF No. 33]:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED pursuant to Fed. R. Civ. P. 65 that Respondents are enjoined from taking any actions, directly or indirectly through their principals, subsidiaries agents, officers or directors, to alter, eliminate, diminish, or compromise

the interest of Petitioner in any business ventures anywhere in the world that are affiliated with, derived from, or use the trademarks, software, and other trade secrets associated with Espiritu Santo Technologies, LLC (“ES Technologies”), L1bre Holding LLC (“L1bre Holding”), L1bre LLC, L1bre Technologies, Servicios Digitales Lusad, S. de R.L. de C.V. (“Lusad”), Servicios Administrativos Lusad, S. de R.L. de C.V. (“Servicios Administrativos Lusad”), Lusad Servicios, S. de R.L. de C.V. (“Lusad Servicios”), L1bre Jalisco, and/or L1bre Nuevo León, including, without limitation, (a) the L1bre trade name or associated trademarks, (b) the L1bre digital taximeter technology and related software, or (c) other trade secrets associated with the L1bre business. The relief granted herein shall expire on the earlier of:

- a. a decision on an application by Petitioner for provisional remedies to the arbitral tribunal for the arbitration commenced by Petitioner against Respondents on May 1, 2019, with the International Chamber of Commerce (the “ICC Arbitration”); or
- b. ten (10) days after the arbitral tribunal in the ICC Arbitration has been constituted, should Petitioner fail to seek provisional remedies from the Tribunal within that period.

IT IS FURTHER ORDERED THAT, pursuant to Fed. R. Civ. P. 65(c), Petitioner is required to post security in the amount of USD \$1 million against possible harm or damage to Respondents arising out of this relief.

IT IS FURTHER ORDERED THAT, to the extent Respondents seek a stay of this order pending an appeal, that request is denied.

SO ORDERED:

New York, New York

May ___, 2019, __:___.m.

COLLEEN MCMAHON
Chief United States District Judge